

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

DOUGLAS I. HORNSBY,  
ADMINISTRATOR OF THE ESTATE OF  
CYNTHIA GARY,

Plaintiff,

v.

Case No. 2:22-cv-00427-RBS-LRL

UNITED STATES OF AMERICA,

Defendants.

**CECO ENVIRONMENTAL CORPORATION'S CONSENT MOTION FOR LEAVE FOR  
EXTENSION OF TIME TO FILE REPLY BRIEF**

Defendant CECO Environmental Corporation, by counsel, and with the consent of the Plaintiff, hereby requests this Court accept its Reply Brief as timely filed (ECF No. 79). In support thereof, CECO states as follows:

1. On May 26, 2023, CECO filed its Answer and its Partial Motion to Dismiss.
2. On June 9, 2023, Plaintiff filed his Opposition to CECO's Partial Motion to Dismiss (see ECF No. 77).
3. From June 9 through June 11, the undersigned's access to his firm's server was interrupted due to scheduled maintenance.
4. Due to this interruption, attorney W. Benjamin Woody prepared an initial draft reply brief originating from his laptop's hard drive that was not accessible to the rest of the members of the firm.
5. On June 15, Woody was unexpectedly hospitalized and unable to work. The draft reply had not been shared on the firm's server. See Declaration of W. Benjamin Woody, attached as Exhibit 1.

6. CECO submitted its Reply on June 16, one day late.

7. Excusable neglect exists to extend time for CECO to file its Reply brief, given “the very small length of delay and very minor impact on proceedings.” *Pritchett Controls, Inc. v. Hartford Accident & Indem. Co.*, Civil No. CCB-17-2089, 2017 WL 5591872, at \*2 (D. Md. Nov. 21, 2017).

8. No prejudice will befall any party, as counsel for Plaintiff has graciously consented to the relief requested.

WHEREFORE, for the foregoing reasons, Defendant CECO Environmental Corporation respectfully requests this Court grant a one-day enlargement of time to file its Reply Brief, that it accept the document filed as ECF No. 79 as timely filed, and for all further relief the Court deems just and proper.

**CECO ENVIRONMENTAL CORP.**

By Counsel

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**C E R T I F I C A T E**

I hereby certify that on the 21st day of June, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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